

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:05CV16-V

JOHN FRUNZAR,)
)
 Plaintiff,) ORDER FOR MEDIATED
) SETTLEMENT CONFERENCE
 v.)
)
 VALENITE, INC.)
 SANDVIK, INC.,)
)
 Defendants.)

THIS MATTER is before the Court for the appointment of a mediator. The parties agreed at the Initial Pretrial Conference previously held herein that this matter is appropriate for mediation and upon Mr. Edward Bograd as mediator.

IT IS THEREFORE ORDERED:

1. Mr. Edward Bograd, Attorney at Law, P.O. Box 3078, Matthews, NC 28106, telephone number (704) 321-7948, is appointed mediator to conduct a mediated settlement conference in the above matter.

2. Mr. Bograd shall be responsible for procuring preliminary information from counsel, for reserving a place and making arrangements for the conference(s), and for giving timely notice thereof to counsel.

3. The required settlement conference shall commence **on or before August 31, 2005**. Thereafter, the parties shall be diligent

and responsive in seeking to bring the mediation to a prompt and mutually beneficial conclusion. Provided, however, upon agreement of counsel, the mediation may be continued from time to time until the end of the discovery period.

4. The following persons shall attend the mediated settlement conference in person:

- a. For an individual party, that party; or for a corporate party, an officer, director, or employee having authority to settle the claim;
- b. The parties' principal counsel of record, if any; and
- c. For any party against whom a claim is made that is covered in whole or in part by an insurance policy, a representative of the insurance carrier who is not such carrier's outside counsel and has full authority to settle the claim.

5. Costs of mediation shall be borne equally by the parties.

6. At the conclusion of the mediation required by this Order, the mediator shall promptly notify the Court, in writing, whether and to what extent the issues raised in this case have been resolved.

The Clerk of Court is directed to send a copy of this Order to counsel for the parties and to Mr. Bograd.

SO ORDERED.

Signed: June 7, 2005

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

